

REMARKS/ARGUMENTS

Claims 1-60 are pending in the above application. By the above amendment, claim 60 has been added.

The Office Action dated January 5, 2009, has been received and carefully reviewed. In that Office Action claims 1-59 were rejected under 35 U.S.C. 102(b) as being anticipated by Amick. Reconsideration and allowance of the pending claims is respectfully requested in view of the above amendments and the following remarks.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Amick. Claim 1 recites a network device adapted to receive an incoming call. The network device includes a call forwarding function that, if the incoming call was intended for an other network device, looks up a call forwarding destination on behalf of the other network device and respond to the incoming call with the call forwarding destination. In some embodiments, for example, the network device responds to the incoming call “with messages which refer the original caller to a forwarding destination address (page 25, lines 11-16).”

The Office Action interprets Amick’s virtual network call processor 20 as corresponding to the recited network device. However, when call processor 20 receives an incoming call (from an office telephone 11 that did not answer, for example) the call processor “attempts to contact the intended recipient at the respective destination (for example, home office 28 or mobile telephone 26)”. Amick does not respond to the incoming call with the call forwarding destination as recited in claim 1. Amick does not, for example, send the calling party information about the call forwarding destination, but rather attempts to connect other telephones. Amick does not show or suggest a

network device that responds to an incoming call with the call forwarding destination as recited in claim 1, and claim 1 is submitted to be allowable over Amick for at least this reason.

Claims 2-16 depend from claim 1 and are submitted to be allowable over Amick for at least the same reasons as claim 1.

Claim 6 further recites, inter alia, that if an incoming call was intended for the network device, an other call forwarding destination is looked up and a response to the incoming call is sent. The response includes the other call forwarding destination. Amick's network device receives calls that are intended for other network devices, such as the office phone mentioned at column 7, line 41, for example. Amick does not show or suggest a system where calls intended for the network device are forwarded to a first destination and calls intended for an other network device are forwarded to an other destination. Claim 6 further distinguishes over Amick for this reason.

Claim 16 further recites that "the network device is a VOIP telephone." It is respectfully submitted that Amick's virtual network call processor "may be implemented as a VIRTUAL VOICE NETWORK NODE offered by TOUCH-TONE TECHNOLOGIES Inc. (T3i) and includes a variety of equipment, including a switch, one or more Call Processors with on-board IVR units, multiple T1-spans and or a Gateway Server or Servers (column 6, lines 15-21)." While this is merely a possible implementation, there is no suggestion that a device that generally comprises one or more servers and a telephone switch could be implemented on a VOIP telephone. Column 9, lines 1-7 of Amick describe devices that can be called by the network device, but in no manner suggest that the network device 20 comprises a VOIP telephone. Claim 16 further

distinguishes over Amick for this reason.

Independent claim 17, as amended, recites a network device that is adapted to receive an incoming call. The network device has a call processing function adapted to respond one way if the incoming call is intended for the network device and another way if the incoming call is intended for an other network device. If the incoming call was intended for the network device, the function enables a user to answer the incoming call at the network device. If the incoming call was intended for an other network device a call forwarding function looks up a call forwarding destination on behalf of the other network device and initiates a connection with a network device having the call forwarding destination.

Amick's call processor 20 can place calls to various telephone numbers when a call intended for a particular telephone does not go through. However, Amick does not show or suggest any calls that are intended for virtual network call processor 20. Amick also does not show a call processing function that allows a user at Amick's network device to answer a call intended for the call processor. Calls are not answered at Amick's network device but are merely forwarded to other devices. Amick does not show at least a network device having a call processing function adapted to enable a user to answer an incoming call at the network device, and amended claim 17 is submitted to be allowable over Amick for at least this reason.

Claims 18-21, 23 and 24 depend from claim 17 and are submitted to be allowable for at least the same reasons as claim 17.

Claim 22 has been rewritten in independent form to include the limitations of claims 17 and 21; the scope of claim 22 has not been changed. Claim 22 recites a

network device that is adapted to handle incoming calls based on whether they are intended for the network device or intended for another network device. The Office Action interprets Amick's virtual network call processor 20 as corresponding to the network device of claim 22. However, Amick's network device 20 only receives calls that were intended for another network device - calls are not placed to the network device itself. Amick does not show or suggest calls that are intended for network device 20 or looking up another call forwarding destination for calls intended for network device 20, and claim 22 is submitted to further distinguish over Amick for at least this reason.

Claim 25 has been rewritten in independent form. Claim 25 recites a network device with a call forwarding function where the network device is a VOIP telephone. Amick's network device may be implemented as one or more servers and a phone switch; there is no suggestion that it may be a VOIP telephone. The various telephones mentioned at column 9, lines 1-7 of Amick are devices that can be called by network device 20 and do not satisfy the limitations of claim 25. Claim 25 is submitted to further distinguish over Amick for this reason.

Claim 26 recites, inter alia, a network device adapted to participate in call forwarding and having a call forwarding function. The call forwarding function of the network device is adapted to do certain things if a call is initiated with a first other network device and the first other network device cannot be reached. These include i) looking up a destination address for a second other network device, ii) initiating an other call to the second other network device, and iii) responsive to receiving a first message from the second other network device containing a call forwarding destination, respond with a second message to a network device having the call forwarding destination for

setting up another call.

The specific limitations of claim 26 are not addressed in the Office Action. It appears that the examiner is interpreting Amick's office telephone 11 as corresponding to the claimed first other network device, Amick's call processor 20 as corresponding to the recited network device and Amick's home office telephone 28 as corresponding to the recited second other network device. If this is incorrect, it is respectfully requested that the examiner clarify in a subsequent Office Action which element in Amick is believed to correspond to each of the elements recited in claim 26 so that the basis for this rejection can be better understood.

Under the above interpretation, Amick's call processor 20 would have to look up a destination address for the home office phone and initiate a call to the home office telephone. For sake of argument only, it will be assumed that this occurs. However, nothing in Amick suggests that Amick's call processor receives a first message from the office telephone containing a call forwarding destination. Amick's call processor also does not respond with a second message to a network device having the call forwarding destination for setting up another call. Amick does not show or suggest at least these limitations of claim 26, and claim 26 is submitted to be allowable for at least this reason.

Claim 27 depends from claim 26 and is submitted to be allowable for at least the same reasons as claim 26.

Claim 28 recites a network device adapted to participate in forwarding of a call from the network device to a first other network device and having a call forwarding function. The call forwarding function is adapted to, responsive to receiving a first message from a second other network device for replacing the call with another call with

the second network device, establish a media path with the second other network device. It is not clear from the Office Action which elements of Amick are believed to correspond to the above-recited network device, first other network device and second other network device. The Office Action may be asserting that Amick's call processor 20 corresponds to the recited network device, Amick's office telephone 11 corresponds to the recited first network device and that Amick's home office telephone 28 corresponds to the recited second other network device. If this is incorrect, it is respectfully requested that the elements of Amick that correspond to each of the above-recited elements of claim 28 be identified so that the basis for this rejection can be better understood.

Amick's call processor 20 does not receive a first message from the home office telephone for replacing the call with another call with the second network device. Amick's call processor 20 does not take any action in response to any message since no such message is received. Amick's system does not show or suggest the limitations of claim 28, and claim 28 is submitted to be allowable over Amick for at least this reason.

Claim 29 depends from claim 28 and is submitted to be allowable for at least the same reasons as claim 28.

Claim 30 recites a network device adapted to participate in call forwarding of a call from a first other network device to a second other network device, the second other network device initiating an other call to the network device, the network device comprising a call forwarding function. The call forwarding function is adapted to establish a media path with the first other network device. As discussed in connection

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with claims 26 and 28, it is not clear which elements of Amick are believed to correspond to each of the limitations of claim 30. The interpretation used in connection with claims 26 and 28 will therefore also be used in connection with the rejection of claim 30. If this is incorrect, clarification in a future Office Action is requested.

The examiner may be asserting that Amick's call processor participates in call forwarding of a call from the office telephone to the home office telephone. This will be assumed for sake of argument only for this reply only. Even under this interpretation, the home office telephone does not initiate an other call to the call processor as would be required under the interpretation of Amick apparently being used. Claim 30 distinguishes over Amick for at least this reason.

Claim 42 recites a method that includes taking action responsive to receiving an incoming call from a first other network device. If the incoming call was intended for an other network device the method includes looking-up a call forwarding destination on behalf of the other network device, and responding to the incoming call with the call forwarding destination. As discussed above in connection with claim 1, Amick does not show or suggest at least responding to an incoming call with a call forwarding destination. At most, Amick suggests placing a call to a call forwarding destination, but Amick does not provide a response to the incoming call as recited in claim 42. Claim 42 is submitted to distinguish over Amick for at least this reason.

Claim 60 depends from claim 42 and is submitted to be allowable for at least the same reasons as claim 42. Claim 60 more specifically recites that responding to the incoming call with the call forwarding destination comprises sending a message to the first other network device identifying the call forwarding destination. This is not shown

or suggested by Amick, and claim 60 further distinguishes over Amick for this reason.

Claim 43 recites an article of manufacture comprising a computer usable medium having computer readable code means for operating a network device generally similar to the network device of claim 1. Claim 43 is submitted to be allowable for at least the same reasons as claim 1.

Claims 44-52 depend from claim 43 and are submitted to be allowable for at least the same reasons as claim 43.

Claim 53 as amended recites an article of manufacture comprising a computer usable medium having computer readable program code means for operating a network device generally similar to the network device of claim 17. Claim 53 is submitted to be allowable for at least the same reasons as claim 17.

Claims 54-59 depend from claim 53 and are submitted to be allowable for at least the same reasons as claim 53.

CONCLUSION

Each issue raised in the Office Action dated January 5, 2009, has been addressed, and it is believed that claims 1-60 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact Scott Wakeman (Reg. No. 37,750) at the telephone number listed below.

Deposit Account Authorization

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

/Scott T Wakeman #37750/

Scott L. Lowe
Registration No. 41,458
Scott T. Wakeman
Registration No. 37,750

PO BOX 1364
Fairfax,VA 22038-1364
1.703.621.7140

Date: April 3, 2009